

## **REMARKS**

The Examiner is thanked for his careful review of this application. Claims 1 and 21-41 are currently pending in the application.

### **Drawings**

Formal drawings will be submitted after the receipt of the Notice of Allowance.

### **Specification**

The specification was objected to for not listing the serial number of the cross referenced application. This has been cured by amendment, and Applicant respectfully requests that this rejection be withdrawn.

### **Claim Objections**

Claims 21 and 22 were objected to for not containing the word --claim-- before "1". Applicant discovered that claim 27 had the same deficiency. The word "claim" has been added to claims 21, 22, and 27 by amendment, and Applicant respectfully requests that this rejection be withdrawn. Applicant further notes that the amendments to the claims were formal in nature, and not intended to narrow the scope of the claim or any element thereof for the purpose of patentability.

### **Claim Rejection under 35 U.S.C. 112, ¶ 1**

Claims 1 and 21-31 were rejected under 35 U.S.C. 112, ¶ 1 for not reciting the language "TCP/IP protocol network." Applicant respectfully traverses this rejection on several bases. First, the language is in common usage, and is well known to those skilled in the art. Second, this very language can be found in copending U.S. Patent Application Serial No. 08/798,702, entitled Method and Apparatus for Controlling a Computer over a TCP/IP Protocol Network, which was incorporated into the current application by reference. See, page 1, lines 14-18 of the present application. Third, this language has been added into the current application from the incorporated specification of the '702 application from page 6, line 32 to page 7, line 6. Thus, no new matter has been added by this amendment.

The terms "host" computer and "client" computer are, of course, well supported in Applicant's specification. Since all of the terms cited by the Examiner are clearly well supported by Applicant's specification, and Applicant respectfully requests that this rejection be withdrawn.

### **The rejections under 35 U.S.C. 103**

Claims 1 and 21-41 were rejected under 35 U.S.C. § 103(a) over Konrad (U.S. Patent 5,696,901) in view of Blumer et al (U.S. Patent 5,732,219). Applicant respectfully traverses these rejections for the reasons set forth below.

### **The Cited Art**

Konrad teaches a remote information service access system based on a client-server server service model. A local host computing system is connected to a remote host computing

system for the purpose of obtaining information services. Software is provided to make it seem as if the user was searching the local host computing system, rather than the remote computing service, making information searches easier for the user and minimizing software maintenance required at the local host computing system to properly access the information on the remote host computing system.

Applicant respectfully disagrees with the Examiner's characterizations of Konrad with respect to the support for a client computer and an advertising publisher, with reference to claim 1 of Konrad. Applicant considers the "local host" 12 (see Fig. 1) of Konrad to be the closest analogue to a client computer of the present invention, and that there is no analogue for the advertising publisher computer which is coupled to a network and which receives advertising information about at least the availability and a capacity of a plurality of host computers, as claimed by the Applicant.

Blumer teaches a computer system and computer implemented process for remote editing of computer files. A client computer sends messages over, preferably, a TCP/IP network, which can include a request for either retrieval or storage of a document object stored on a server computer connected to the network. The server performs the task, and sends a return message to the client computer over the network. Applicant respectfully disagrees that the client computer and server of Blumer are analogues of a host computer being capable of being remotely controlled by a client computer, as claimed by Applicant.

### **The Cited Art Distinguished**

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. 103 in view of the cited art. In fact, Applicant does not believe that the Examiner has made a *prima facie* case of obviousness, as discussed below.

First, the Examiner has not show in the cited art any of the elements of independent claim 1. The Examiner has not shown: 1) a host computer connected to a TCP/IP protocol network that is capable of being remotely controlled by a client computer; 2) an advertising publisher connected to the network which receives advertising information about at least the availability and a capacity of a plurality of host computers; or 3) a client computer operative to receive the advertising information and then control a selected host over the network.

It should be noted that the client computer of the present invention remotely controls the host computer, and is not just requesting information or storage services as with either Konrad or Blumer. Further, neither Konrad or Blumer teach an advertising publisher which advertises information about at least the availability and capacity of a plurality of host computers, nor a client that can use the advertiser computer to select a host computer for remote control. The elements of claim 1 are simply not found anywhere in the cited references.

Furthermore, there is no suggestion in either Konrad or Blumer for them to be combined as suggested by the Examiner. Applicant respectfully submits that for the examiner to pick and choose elements from the prior art, and then combine them without any teaching or suggestion from the art, is using impermissible hindsight.

Applicant respectfully submits that the remarks made above apply as well to independent method claims 32 and 37. There is no suggestion in either Konrad or Blumer that information concerning availability and compatability of host machines be provided to an advertising  
NEO1P010A/PLH/BK/JPK 6 Patent

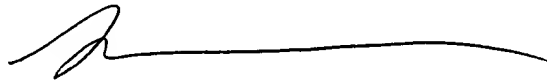
machine connected to a network, and that client machines can search the advertising machine to find available and suitable host machines. It should be noted that the advertising machine must, inherently, be in dynamic communication, either directly or indirectly, with the host machine, since the status of the host machine as far as its availability is inherently changeable. There is nothing remotely similar to the method of independent claims 32 or 37 taught, suggest, or even hinted in either Konrad or Blumer.

The remaining claims are dependent, directly or indirectly, on one of the independent claims 1, 32, or 37, and are believed to be patentable over the cited art for at least the same reasons as with respect to the independent claims. Applicant respectfully requests that the rejections under 35 U.S.C. 103 of claims 1 and 21-41 be withdrawn.

### CONCLUSION

As can be seen, all objections and rejections were addressed by the Applicant and a Notice of Allowance is respectfully requested. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the telephone number set forth below.

Respectfully submitted,  
Oppenheimer Wolff & Donnelly LLP



Paul L. Hickman  
Reg. 28, 516

200 Page Mill Road, Suite 100  
Palo Alto, CA 94306  
Telephone: (650) 470-7430